

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

ROBERT DAVID NEAL,	)	
	)	
	)	
vs.	)	2:12-cv-194-JMS-WGH
	)	
JOHN C. OLIVER,	)	
	)	
	)	
Respondent.	)	

**ENTRY**

The petitioner's motion for findings of fact and conclusions of law [18] pertaining to the Entry of September 24, 2012, is **granted**, consistent with the following:

1. The court finds as facts that: Robert David Neal, who is confined in a federal prison in this District, seeks a writ of habeas corpus. His challenge is to the validity of a prison disciplinary proceeding identified as No. 2131168. The respondent has appeared by counsel and has been ordered to show cause why the relief Neal seeks should not be granted. On September 18, 2012, Neal filed a claim for stay of proceedings. That claim was denied on September 24, 2012.

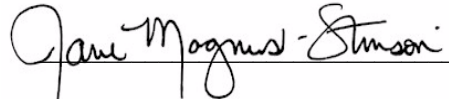
2. The court finds the pertinent legal principles associated with ruling on the claim for stay of proceedings to be the following: This is an action brought pursuant to 28 U.S.C. § 2241(c)(3). A necessary predicate for the granting of federal habeas relief [to a petitioner] is a determination by the federal court that [his or her] custody violates the Constitution, laws, or treaties of the United States.<sup>@</sup> *Rose vs. Hodges*, 423 U.S. 19, 21 (1975). Additionally, the court is proceeding in the manner prescribed in 28 U.S.C. § 2243, which requires the court "to dispose of the matter as law and justice require." *See Porter v. McCollum*, 130 S. Ct. 447, 452 (2009)(citing *Rompilla v. Beard*, 545 U.S. 374, 390 (2005)); *Canaan v. McBride*, 395 F.3d 376, 383 (7th Cir. 2005).

3. The court reached and reaches the following conclusions with respect to the denial of the claim for stay of proceedings: The parties cannot confer or alter habeas corpus jurisdiction based on their private agreement. The law of Indiana does not supply either a basis for seeking relief pursuant to § 2241(c)(3) or procedures for adjudicating the habeas petition, Federal statutes other than § 2241(c)(3) do not supply either a basis for seeking relief pursuant to § 2241(c)(3) or procedures for adjudicating the habeas petition.

4. The claim for stay of proceedings was properly denied and this action will continue to be governed by the orders heretofore issued.

**IT IS SO ORDERED.**

Date: 11/13/2012

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

**Distribution:**

**Robert David Neal**  
**#15151-180**  
**Terre Haute USP**  
**P.O. Box 33**  
**Terre Haute, IN 47808**

**Electronically Registered Counsel**